

## **APPENDIX B**

### **TERM EMPLOYMENT**

Federal Personnel Manual (FPM) CH 316 3 (CH3163) - 22 Dec 89

3-1. **DEFINITION:** A term appointment is a nonstatus appointment to a position in the competitive service for a specified period exceeding 1 year and lasting not more than 4 years on calendar basis. Agencies may make term appointments only under the conditions stated in this chapter or as specifically authorized by OPM.

3-2. **APPROPRIATE USES OF TERM EMPLOYMENT:** Agencies may use term appointments to fill positions which are expected to last longer than 1 year but which are clearly not of a continuing nature and will terminate upon completion of work. Examples of appropriate uses of term employees include:

- a. Carrying out special project work;
- b. Staffing new or existing programs of limited duration;
- c. Filling positions in activities undergoing a commercial activity review or which are in the process of being closed;
- d. Replacing permanent employees who have been temporarily assigned to another position, are on extended leave, or who have entered military service.

3-3. **LIMITATIONS ON MAKING TERM APPOINTMENTS:** The filling of positions by term appointment is subject to the employment restriction of the Reemployment Priority List (RPL). This means that in most cases, agencies may not hire an outside application in lieu of a qualified RPL eligible.

3-4. **SPECIAL CONDITIONS OF TERM EMPLOYMENT:**

a. All term employees, including those appointed on basis of reinstatement eligibility, must serve a 1-year trial period. During this period they are entitled to the same limited protection accorded probationers, as described in subchapter 8 of FPM Chapter 315.

b. Term employees are covered by reduction-in-force procedures and are placed in tenure group III in the event a

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RIF action is taken against them prior to the expiration of their term appointments. Agencies are not required to use RIF procedures to separate term employees when their appointments expire.

c. Term employees have the protection in adverse actions of 5 U.S.C. 4303 and 5 U.S.C. 7511 except:

(1) while serving a trial period and

(2) upon expiration of their term appointments.

d. A term appointment does not confer competitive status and term employees are not eligible for transfer to other agencies or reinstatement. They may, however, be reappointed under their original term appointment.

e. Under the appropriate FPM procedures, agencies may promote, demote, detail, or reassign term employees, within the time limit of their appointment, to other positions which the agency determines appropriate for filling by term appointment.

f. Term employees are eligible for within-grade increases in accordance with the provisions of FPM Chapter 531 and FPM Supplement 532-1.

g. Term employees with full or part-time work schedules are eligible for coverage under the Federal Employees Retirement System, the Federal Employees Health Benefits Program, and the Federal Employees Group Life Insurance Program (see FPM Supplements 830-1, 870-1, and 890-1).

h. Term employees may work on a full-time, part-time, or intermittent basis.

i. Term employees earn leave when appointed to a position with a regularly scheduled tour of duty either part time or full time (see FPM Chapter 630).

### **3-5. MAKING TERM APPOINTMENTS FROM REGISTERS:**

a. Agencies may make term appointments from competitive registers or under direct hire procedures when specifically authorized in accordance with FPM Chapter 332.

b. Term employees hired from competitive registers may be noncompetitively converted to career-conditional appointments when they meet the requirements of 5 CFR 315.703 and come within

reach for permanent appointment on an appropriate register during the period of their term appointment.

**3-6. TERM APPOINTMENTS UNDER OUTSIDE-THE-REGISTER SELECTION**

**PROCEDURES:** In the absence of sufficient eligibles on a suitable register, or the lack of a suitable register altogether, OPM examining offices may authorize agencies to make term appointments outside the register in the manner prescribed in FPM Chapter 333.

**3-7. NONCOMPETITIVE TERM APPOINTMENTS:** Agencies may give direct, noncompetitive term appointments to applicants who meet the eligibility criteria under one of the authorities listed in section 2-7b. Appointment of these individuals may be made without use of competitive registers, or the outside-the-register procedures described in section 3-6 above. Except as specifically provided, applicants must meet the general eligibility requirements listed in section 1-2.

**3-8. EXTENDING TERM EMPLOYEES:** Agencies may extend a term appointment initially made for a period of less than 4 years so long as the extension does not go beyond 4 years from the date of the initial term appointment. Such an extension may be made in accordance with agency policy and does not require approval or recertification by OPM. There is no authority to extend a term employee's service beyond 4 years from the date of the initial term appointment.

**3-9. REAPPOINTING FORMER TERM EMPLOYEES:** Agencies may also noncompetitively reappoint a former term employee of the agency who left prior to expiration of his or her original appointment. Reappointment must be to a position that is appropriate for term appointment with a grade no higher than the position the employee left. Service under the new appointment may not go beyond 4 years from the date of the original term appointment.

**3-10. DOCUMENTATION REQUIREMENTS FOR TERM APPOINTMENTS AND EXTENSIONS:**

a. When making a term appointment, agencies are required to document on the Notification of Personnel Action (SF-50) the reason why the term appointment is being made.

b. Initial term appointments to competitive service positions of individuals not already on the agency's rolls or reappointments of former term employees (see paragraph 3-9) are effected by NOA "108/Term APPT NTE (date)."

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c. Term appointments originally made for a period of less than 4 years are extended up to the 4-year limit by a "765/Ext of Term Appt NTE (date)" action.